

I certify that the attached is a true and
correct copy of HB #1558, which
was filed of record on FEB 28 1989
and referred to the committee on:

Corrections

Betty Munsey

Chief Clerk of the House

1989 MAR 14 PM 4: 22

HOUSE OF REPRESENTATIVES

FILED FEB 28 1989

By

Stiles

H.B. No. 1558

A BILL TO BE ENTITLED

AN ACT

relating to an exemption from certain licensing requirements for inmates incarcerated in the Texas Department of Corrections who perform barbering.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 6, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. The following persons shall be exempt from the provisions of this Act, provided such persons are not represented, advertised, or held out to the public, directly or indirectly, or in any manner whatsoever, as barbers, journeymen barbers, barber technicians or under any name, title, or designation indicating such person is authorized to practice by authority of any license or permit issued by the board:

(1) [a] physicians, osteopaths, and registered nurses licensed and regulated by the State of Texas;

(2) [b] commissioned or authorized medical or surgical officers of the United States Army, Navy, or Marine Hospital Service;

(3) [c] persons licensed or practicing by authority of the Texas Cosmetology Commission under the provisions of Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas Civil Statutes), so long as such persons

1 practice within the scope of the license or permit duly issued by
2 the Texas Cosmetology Commission; or

3 (4) an inmate incarcerated in the Texas Department of
4 Corrections who performs barbering during the period of
5 incarceration.

6 SECTION 2. The importance of this legislation and the
7 crowded condition of the calendars in both houses create an
8 emergency and an imperative public necessity that the
9 constitutional rule requiring bills to be read on three several
10 days in each house be suspended, and this rule is hereby suspended,
11 and that this Act take effect and be in force from and after its
12 passage, and it is so enacted.

HOUSE COMMITTEE REPORT

89 MAR 17 P:11:42
HOUSE REPRESENTATIVES

1st. Printing

By Stiles

H.B. No. 1558

A BILL TO BE ENTITLED

AN ACT

relating to an exemption from certain licensing requirements for inmates incarcerated in the Texas Department of Corrections who perform barbering.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 6, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. The following persons shall be exempt from the provisions of this Act, provided such persons are not represented, advertised, or held out to the public, directly or indirectly, or in any manner whatsoever, as barbers, journeymen barbers, barber technicians or under any name, title, or designation indicating such person is authorized to practice by authority of any license or permit issued by the board:

(1) [~~a~~] physicians, osteopaths, and registered nurses licensed and regulated by the State of Texas;

(2) [~~b~~] commissioned or authorized medical or surgical officers of the United States Army, Navy, or Marine Hospital Service;

(3) [~~c~~] persons licensed or practicing by authority of the Texas Cosmetology Commission under the provisions of Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas Civil Statutes), so long as such persons

1 practice within the scope of the license or permit duly issued by
2 the Texas Cosmetology Commission; or

3 (4) an inmate incarcerated in the Texas Department of
4 Corrections who performs barbering during the period of
5 incarceration.

6 SECTION 2. The importance of this legislation and the
7 crowded condition of the calendars in both houses create an
8 emergency and an imperative public necessity that the
9 constitutional rule requiring bills to be read on three several
10 days in each house be suspended, and this rule is hereby suspended,
11 and that this Act take effect and be in force from and after its
12 passage, and it is so enacted.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

March 15, 1989
(date)

Sir:

We, your COMMITTEE ON CORRECTIONS,

to whom was referred H.B. 1558 have had the same under consideration and beg to report
(measure)
back with the recommendation that it

- ☒ do pass, without amendment.
- ☐ do pass, with amendment(s).
- ☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes ☐ no An actuarial analysis was requested. ☐ yes ☒ no

An author's fiscal statement was requested. ☐ yes ☒ no

A criminal justice policy impact statement was prepared. ☒ yes ☐ no

A water development policy impact statement was requested. ☐ yes ☒ no

☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the ☐ Local, ☒ Consent, or ☐ Resolutions Calendar.

This measure ☐ proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Hightower, Ch.	X			
Telford, V.C.	X			
Garcia, C.B.O.	X			
Chisum	X			
Grusendorf	X			
Johnson, S.				X
Repp				X
Shine	X			
Valigura	X			

Total
7 aye
0 nay
0 present, not voting
2 absent

Allen Hightower
CHAIRMAN
Heborah K. Wall
COMMITTEE COORDINATOR

BILL ANALYSIS

By: STILES

H.B. 1558

BACKGROUND

Currently, the Texas Department of Corrections uses inmates to perform barber services on other inmates while incarcerated. A recent Attorney General opinion states that the Department could be subject to the licensing requirements of the Texas Board of Barber Examiners and/or the Cosmetology Board. It is virtually impossible for the Department to license these inmates. The alternative would be to contract with free-world, licensed barbers which would result in considerable expense to the state.

PURPOSE

H.B. 1558 would allow an inmate to act as a barber while incarcerated.

RULEMAKING AUTHORITY

It is the Committee's opinion that H.B. 1558 would not delegate any additional rulemaking authority to the Texas Department of Corrections.

SECTION-BY-SECTION ANALYSIS

SECTION 1. Amends Section 6, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, (Article 8407a, V.T.C.S.) by exempting inmates who practice barbering while in prison from the licensing requirements of the Texas Barber Law and the rules of the State Board of Barber Examiners.

SECTION 2. Emergency clause. Effective upon passage.

SUMMARY OF COMMITTEE ACTION

Pursuant to suspension of the five day posting rule on the House floor, the full committee met in public hearing on March 15, 1989.

Testimony was received on H.B. 1558 by the author, Rep. Mark Stiles.

On March 15, 1989, the full committee voted to report H.B. 1558 to the full House without amendments with the recommendation that it do pass by a record vote of: 7 ayes, 0 nays, 0 PNV, 2 absent.

Committee on Corrections

03/14/89

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 15, 1989

TO: Honorable Allen R. Hightower, Chair
Committee on Corrections
House of Representatives
Austin, Texas

In Re: House Bill No. 1558
By: Stiles

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1558 (relating to an exemption from certain licensing requirements for inmates incarcerated in the Texas Department of Corrections who perform barbering) this office has determined the following:

The bill would exempt prison inmates from licensing requirements related to barbering. Currently approximately 300 inmates have barbering responsibilities in the Department of Corrections. These inmates are not licensed, but in the future might be required to be licensed under current law.

Implementation of the provisions of the bill may result in avoidance of training and licensing costs, or alternatively, avoidance of costs related to hiring barbers from outside the prison. To the extent that licensing is avoided, a corresponding revenue loss to the Board of Barber Examiners would occur.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Department of Corrections;
LBB Staff: JO, JWH, AL, BP, LV

HOUSE ENGROSSMENT

89 APR -6 PM 6:25

HOUSE OF REPRESENTATIVES

By Stiles

H.B. No. 1558

A BILL TO BE ENTITLED

AN ACT

relating to an exemption from certain licensing requirements for inmates incarcerated in the Texas Department of Corrections who perform barbering.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 6, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. The following persons shall be exempt from the provisions of this Act, provided such persons are not represented, advertised, or held out to the public, directly or indirectly, or in any manner whatsoever, as barbers, journeymen barbers, barber technicians or under any name, title, or designation indicating such person is authorized to practice by authority of any license or permit issued by the board:

(1) [a] physicians, osteopaths, and registered nurses licensed and regulated by the State of Texas;

(2) [b] commissioned or authorized medical or surgical officers of the United States Army, Navy, or Marine Hospital Service;

(3) [c] persons licensed or practicing by authority of the Texas Cosmetology Commission under the provisions of Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas Civil Statutes), so long as such persons

1 practice within the scope of the license or permit duly issued by
2 the Texas Cosmetology Commission; or

3 (4) an inmate incarcerated in the Texas Department of
4 Corrections who performs barbering during the period of
5 incarceration.

6 SECTION 2. The importance of this legislation and the
7 crowded condition of the calendars in both houses create an
8 emergency and an imperative public necessity that the
9 constitutional rule requiring bills to be read on three several
10 days in each house be suspended, and this rule is hereby suspended,
11 and that this Act take effect and be in force from and after its
12 passage, and it is so enacted.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 15, 1989

TO: Honorable Allen R. Hightower, Chair
Committee on Corrections
House of Representatives
Austin, Texas

In Re: House Bill No. 1558
By: Stiles

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1558 (relating to an exemption from certain licensing requirements for inmates incarcerated in the Texas Department of Corrections who perform barbering) this office has determined the following:

The bill would exempt prison inmates from licensing requirements related to barbering. Currently approximately 300 inmates have barbering responsibilities in the Department of Corrections. These inmates are not licensed, but in the future might be required to be licensed under current law.

Implementation of the provisions of the bill may result in avoidance of training and licensing costs, or alternatively, avoidance of costs related to hiring barbers from outside the prison. To the extent that licensing is avoided, a corresponding revenue loss to the Board of Barber Examiners would occur.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Department of Corrections;
LBB Staff: JO, JWH, AL, BP, LV

REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT

Hon. Bill Sims, Chairman
Administration Committee

Sir:

Notice is hereby given that HB 1558, by: Stiles,
was heard by the Committee on ECONOMIC DEVELOPMENT on 5/1, 19 89,
and reported out with the recommendation that it be placed on the Local and Uncontested
Calendar.

Carol W. Fisher
Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF
THE BILL OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE
BILL OR RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE
COMMITTEE ON ADMINISTRATION, ROOM 419. PLEASE CALL 3-0350 IF YOU HAVE
ANY QUESTIONS. **DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR**
IS 5:00 P.M. FRIDAY.

Paper clip the original to the bill; retain one copy for reporting committee files; deliver one copy to the bill sponsor.

Hailey

SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

May 1, 1989
(date)/(time)

Sir:

We, your Committee on ECONOMIC DEVELOPMENT to which was referred
HB 1558 by Stiles have on 5/1, 1989, had the same
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

Senate Sponsor of House Measure Haley

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Harris, Chairman	✓			
Green, Vice Chairman				✓
Bivins	✓			
Carriker	✓			
Dickson				✓
Haley	✓			
Henderson	✓			
Leedom	✓			
Ratliff	✓			
Sims	✓			
Whitmire	✓			
TOTAL VOTES	9	-	-	2

Carol Webb
COMMITTEE CLERK

J. Harris
CHAIRMAN

By: Stiles (Senate Sponsor - Haley) H.B. No. 1558
(In the Senate - Received from the House April 10, 1989;
April 10, 1989, read first time and referred to Committee on
Economic Development; May 1, 1989, reported favorably by the
following vote: Yeas 9, Nays 0; May 1, 1989, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Harris	x			
Green				x
Bivins	x			
Carriker	x			
Dickson				x
Haley	x			
Henderson	x			
Leedom	x			
Ratliff	x			
Sims	x			
Whitmire	x			

A BILL TO BE ENTITLED
AN ACT

relating to an exemption from certain licensing requirements for
inmates incarcerated in the Texas Department of Corrections who
perform barbering.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 6, Chapter 65, Acts of the 41st
Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's
Texas Civil Statutes), is amended to read as follows:

Sec. 6. The following persons shall be exempt from the
provisions of this Act, provided such persons are not represented,
advertised, or held out to the public, directly or indirectly, or
in any manner whatsoever, as barbers, journeymen barbers, barber
technicians or under any name, title, or designation indicating
such person is authorized to practice by authority of any license
or permit issued by the board:

(1) ~~{a}~~ physicians, osteopaths, and registered
nurses licensed and regulated by the State of Texas;

(2) ~~{b}~~ commissioned or authorized medical or
surgical officers of the United States Army, Navy, or Marine
Hospital Service;

(3) ~~{c}~~ persons licensed or practicing by authority
of the Texas Cosmetology Commission under the provisions of Chapter
1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article
8451a, Vernon's Texas Civil Statutes), so long as such persons
practice within the scope of the license or permit duly issued by
the Texas Cosmetology Commission; or

(4) an inmate incarcerated in the Texas Department of
Corrections who performs barbering during the period of
incarceration.

SECTION 2. The importance of this legislation and the
crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several
days in each house be suspended, and this rule is hereby suspended,
and that this Act take effect and be in force from and after its
passage, and it is so enacted.

* * * * *

Austin, Texas
May 1, 1989

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Economic Development to which was referred H.B. No. 1558, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Harris, Chairman

LEGISLATIVE BUDGET BOARD

Austin, Texas

APR 12 1989

FISCAL NOTE

April 11, 1989

TO: Honorable O. H. "Ike" Harris, Chairman
Committee on Economic Development
Senate Chamber
Austin, Texas

In Re: House Bill No. 1558,
as engrossed
By: Stiles

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1558, as engrossed (relating to an exemption from certain licensing requirements for inmates incarcerated in the Texas Department of Corrections who perform barbering) this office has determined the following:

The bill would exempt prison inmates from licensing requirements related to barbering. Currently approximately 300 inmates have barbering responsibilities in the Department of Corrections. These inmates are not licensed, but in the future might be required to be licensed under current law.

Implementation of the provisions of the bill may result in avoidance of training and licensing costs, or alternatively, avoidance of costs related to hiring barbers from outside the prison. To the extent that licensing is avoided, a corresponding revenue loss to the Board of Barber Examiners would occur.

No fiscal implication to units of local government is anticipated.

Source: Department of Corrections;
LBB Staff: JO, JWH, AL, BP, PA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 15, 1989

TO: Honorable Allen R. Hightower, Chair
Committee on Corrections
House of Representatives
Austin, Texas

In Re: House Bill No. 1558
By: Stiles

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1558 (relating to an exemption from certain licensing requirements for inmates incarcerated in the Texas Department of Corrections who perform barbering) this office has determined the following:

The bill would exempt prison inmates from licensing requirements related to barbering. Currently approximately 300 inmates have barbering responsibilities in the Department of Corrections. These inmates are not licensed, but in the future might be required to be licensed under current law.

Implementation of the provisions of the bill may result in avoidance of training and licensing costs, or alternatively, avoidance of costs related to hiring barbers from outside the prison. To the extent that licensing is avoided, a corresponding revenue loss to the Board of Barber Examiners would occur.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Department of Corrections;
LBB Staff: JO, JWH, AL, BP, LV

1 practice within the scope of the license or permit duly issued by
2 the Texas Cosmetology Commission; or

3 (4) an inmate incarcerated in the Texas Department of
4 Corrections who performs barbering during the period of
5 incarceration.

6 SECTION 2. The importance of this legislation and the
7 crowded condition of the calendars in both houses create an
8 emergency and an imperative public necessity that the
9 constitutional rule requiring bills to be read on three several
10 days in each house be suspended, and this rule is hereby suspended,
11 and that this Act take effect and be in force from and after its
12 passage, and it is so enacted.

H.B. No. 1558

President of the Senate

Speaker of the House

I certify that H.B. No. 1558 was passed by the House on April 6, 1989, by the following vote: Yeas 139, Nays 0.

Chief Clerk of the House

I certify that H.B. No. 1558 was passed by the Senate on May 9, 1989, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 1558[✓] was passed by the House
(1)

on April 6[✓], 1989, by the following vote:
(2)

Yeas 139[✓], Nays 0[✓]
(3) (4)

Chief Clerk of the House

I certify that H.B. No. 1558[✓] was passed by the Senate

on May 9[✓], 1989, by the following vote:
(5)

Yeas 31[✓], Nays 0[✓]
(6) (7)

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: 'A;CT25;

H. B. No.

1558

By

Stiles

A BILL TO BE ENTITLED

AN ACT

relating to an exemption from certain licensing requirements for inmates incarcerated in the Texas Department of Corrections who perform barbering.

FEB 28 1989

1. Filed with the Chief Clerk.

MAR 13 1989

2. Read first time and Referred to Committee on

Corrections

MAR 15 1989

3. Reported _____ favorably ~~(as amended)~~ ^(as substituted) and sent to Printer at 5:20 pm

MAR 17 1989

MAR 17 1989

4. Printed and distributed at 11:42 pm

MAR 20 1989

5. Sent to Committee on Calendars at 9:14 am

APR 6 1989

6. Read second time ~~(amended)~~; passed to third reading ~~(failed)~~ by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present, not voting.

APR 6 1989

9. Read third time ~~(amended)~~; finally passed ~~(failed)~~ by ~~(Non-Record Vote)~~ (Record Vote of 139 yeas, 0 nays, 0 present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

APR 6 1989

12. Ordered Engrossed at 1:24 pm

APR 6 1989

13. Engrossed.

APR 6 1989

14. Returned to Chief Clerk at 6:25 pm

APR 10 1989

15. Sent to Senate.

Betty Murray
Chief Clerk of the House

APR 10 1989

16. Received from the House

APR 10 1989

17. Read, referred to Committee on ECONOMIC DEVELOPMENT

MAY 1 1989

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by (a viva voce vote.) (_____ yeas, _____ nays.)

22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 9 1989

Laid before the Senate

23. Read second time _____ passed to third reading by:

(*a viva voce vote.*)

(_____ yeas, _____ nays.)

24. Caption ordered amended to conform to body of bill.

MAY 9 1989

25. Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas, _____ nays to place bill on third reading and final passage.

MAY 9 1989

26. Read third time and passed by

(*a viva voce vote.*)

(31 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King
Secretary of the Senate

May 9, 1989

27. Returned to the House.

MAY 9 1989

28. Received from the Senate (*with amendments*)
(*as substituted.*)

29. House (Concurred) (Refused to Concur) in Senate (Amendments) (Substitute) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

30. Conference Committee Ordered.

31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 9 1989

32. Ordered Enrolled at 10:20 am

HOUSE OF REPRESENTATIVES
89 APR -6 PM 6:25
89 MAR 17 PM 11:42
HOUSE OF REPRESENTATIVES

*800
100*

1558